REMARKS

This paper is being filed in response to the Office Action mailed on March 30, 2010 (the "Office Action").

STATUS OF THE CLAIMS

Claims 1-14, 17-40, and 43-53 are pending in the Application, of which claims 1 and 27 are in independent form. Claims 15-16 and 41-42 were previously canceled. Claims 1, 27, 36, 43, and 52 are amended herein.

Claims 1-3, 5, 8-14, 17, 18, 20, 21, 26-29, 31, 34-40, 43, 44, 46, 47, 52, and 53 stand rejected under 35 U.S.C. § 103 as purportedly being unpatentable over U.S. Patent No. 6,487,585 to Yurkovic ("Yurkovic"), in view of U.S. Patent No. 6,728,753 to Parasnis et al. ("Parasnis"), and in further view of U.S. Patent No. 7,421,469 to Liu et al. ("Liu"). Claims 1-3, 5, 8, 9, 11, 13-14, 17-22, 27-29, 31, 34, 35, 37, 39-40, and 43-48 also stand rejected under 35 U.S.C. § 103 as purportedly being unpatentable over U.S. Patent No. 6,636,888 to Bookspan et al. ("Bookspan"), in view of Parasnis, and in further view of Liu. Claims 4, 7, 30, and 33 stand rejected under 35 U.S.C. § 103 as purportedly being unpatentable over Yurkovic, in view of Parasnis, Liu, and in further view of U.S. Patent No. 6,457,045 to Hanson et al. ("Hanson"). Claims 6 and 32 stand rejected under 35 U.S.C. § 103 as purportedly being unpatentable over Yurkovic in view of Parasnis, Liu, and in further view of U.S. Patent. No. 6,560,637 to Dunlap et al. ("Dunlap"). Claims 23-25 and 49-51 stand rejected under 35 U.S.C. § 103 as purportedly being unpatentable over Bookspan, in view of Parasnis, Liu, and in further view of Hanson.

The Applicants respectfully request reconsideration of the claims in view of these amendments and remarks. With this response, the Applicants have addressed all of the issues raised in the Office Action. Therefore, the Applicants submit that the Application is in condition for allowance and respectfully request the same.

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REJECTION OF CLAIMS 1-3, 5, 8-14, 17, 18, 20, 21, 26-29, 31, 34-40, 43, 44, 46, 47, 52, AND 53 UNDER 35 U.S.C. § 103

The Applicants respectfully traverse the rejection of claims 1-3, 5, 8-14, 17, 18, 20, 21, 26-29, 31, 34-40, 43, 44, 46, 47, 52, and 53 since neither the combination of Yurkovic, Parasnis, and Liu nor the combination of Bookspan, Parasnis, and Liu cited in the Office Action considers <u>all the words</u> of the rejected claims. *See* MPEP § 2143.03. It is well-settled law that a *prima facie* case of obviousness requires that the combined references consider <u>all</u> the words of the claims. *See* <u>In re Wilson</u>, 424 F.2d 1382, 1385 (CCPA 1970); *also see* MPEP § 2143.03. Therefore, the references must teach or disclose <u>all</u> the claim limitations. *See* <u>In Re Royka</u>, 490 F.2d 981 (CCPA 1974).

The Applicants respectfully traverse these rejections since neither combination cited in the Office Action discloses <u>program code</u> and/or a <u>data stream broadcast</u> as recited in the claims.

LIU FAILS TO TEACH OR DISCLOSE PROGRAM CODE AS RECITED IN THE CLAIMS

Claim 1 has been amended to recite:

"transferring to the client device at a registration time, program code that **includes information identifying a scheduled time of the media event**, the program code configured to cause an Internet browser application at the client device to be <u>automatically launched for presentation of the media event based on the media event scheduled time identified in the program code</u>, wherein the program code automatically launches the Internet browser application when the Internet browser application is not already running on the client device" Claim 1; emphasis added; *also see* claim 27.

The Office Action admits that neither Yurkovic, Parsnis, nor Bookspan teach or disclose program code as recited in the claims. *See* Office Action pgs. 3, 9. As such, the Office Action relies on Liu; the Office Action purports that "Liu et al. disclosed automatically launching a web browser for a <u>scheduled meeting</u>." Office Action pg. 4; emphasis added.

Liu fails to teach or disclose launching a web browser for a scheduled meeting as recited in the claims. Liu purportedly discusses, "a system…for initiating a collaborative computing session during a telephone call." Liu abstract; emphasis added. However, Liu does not appear to teach or suggest launching a web browser for a scheduled meeting as purported in the Office Action. The Liu "computer start meeting" module (element 26 in Figure 1A), does not appear to include scheduling information at all. In fact, Liu states that the "computer start meeting module" purportedly launches a browser in response to an external instruction from an IP phone, and not a scheduled time identified in the program code as in the claims:

> "One or more computers 16 may include or run a computer start meeting module 26….This application communicates with a companion phone start meeting module 24 running on the IP telephone…" col. 8 ll 42-48.

> "the 'start meeting' button is pressed by User1 on his/her IP telephone 12a. In response…phone start meeting module 24a (running on IP telephone 12a) **sends an 'initiate meeting' SIP request to the computer start meeting module 26a** running on User1's computer 16a." col. 13 ll 7-11; emphasis added.

> Other attendees are added in a similar manner:

> "the phone start meeting module 24a of User1's IP telephone 12a makes a 'join meeting' request to the phone start meeting module 24b of User2's IP telephone 12b…[the] phone start meeting module 24b makes a 'join meeting' request to the computer start meeting module 26b on User2's computer 16b." col. 13 lines 60-66; emphasis added.

As illustrated above, it appears that the "computer start meeting module," does not operate as the program code recited in the claims. The Liu module starts a session in response to an external command from an attached IP phone, whereas the claims recite automatically launching a browser, "based on the media event scheduled time identified in the program code." Claim 1 emphasis added.

The Applicants further note that in other portions of Liu where the IP phone is incapable of instructing the computer start meeting module to initiate a meeting, the start meeting instruction is transmitted from a "server meeting initiation module." See Liu col. 14 lines 47-55. Accordingly, Liu consistently indicates that

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the "computer start meeting module," initiates a session in response to an external instruction and <u>not</u> according to scheduling information identified in the program code as recited in the claims.

Moreover, since the computer start meeting module is intended to facilitate collaborative sessions, "in the <u>middle of a telephone call</u>," and to allow users to "spontaneously decide they want to visually collaborate on a document," Liu teaches away from "scheduling" as recited in the claims. Liu col. 16 lines 8-13; *also see* <u>W.L.Gore & Associates, Inc. v. Garlock, Inc.</u>, 721 F.2d 1540 at 1550 (Fed. Cir. 1983); emphasis added; *also see* MPEP § 2141.02(VI). Furthermore, if the Liu computer start meeting module were modified to start according to a schedule (as opposed to starting in response to instructions from the IP phone), it would be rendered inoperable and unsuitable for its intended purpose. A proposed combination cannot render the prior art being modified unsatisfactory for its intended purpose and/or change the principle of operation thereof. <u>In re Gordon</u>, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); *also see* MPEP § 2143. Liu states that information regarding the collaborative session (the invitees etc.), are provided by <u>the IP phone</u> (*e.g.,* according to the users connected to an ongoing call). *See* Liu col. 13 ll 5-39. If Liu were to attempt to start a collaborative session according to a "scheduled time" as opposed to an IP phone command, Liu would have no way of initiating the meeting, rendering the system unsuitable for its intended purpose. Moreover, initiating a collaborative session according to a "scheduled time" as opposed to an ongoing telephone call would change Liu's principle of operation. MPEP § 2143.

Therefore, even if the computer start meeting module of Liu were to be combined with scheduling information purportedly discussed in Yurkovic, Parasnis, and/or Bookspan, the result would not teach or disclose, "program code <u>that</u> **includes** <u>information identifying a scheduled time of the media event</u>...to be automatically launched for presentation of the media event <u>based on the media event scheduled time identified in the program code</u>" as recited in the claims. Claim 1; emphasis added; *also see* claim 27.

EVEN IN COMBINATION, THE CITED REFERENCES FAIL TO TEACH OR DISCLOSE A DATA STREAM BROADCAST AS RECITED IN THE CLAIMS

Claim 1 recites, "wherein the media event includes a data stream broadcast produced by the server device, the data stream broadcast including at least one of data encoded during production of the data stream broadcast and data previously encoded, the data stream broadcast including a data channel for instructing a portion of the media event." Emphasis added; *also see* claim 27. The disclosure teaches that the broadcast event may include an "audio stream, a video stream, or an audio/video stream," as well as a separate data channel "that instructs a presentation to advance slides and display polls." Application [0043].

Parasnis fails to disclose a "data channel" as recited in the claims. *See* Office Action pgs. 3, 10. In contrast to the claims, Parasnis discusses an "Active Streaming Format (ASF)" stream in which triggers are encoded and/or embedded:

> "This digital audio signal, along with the slide display commands, is encoded into an ASF stream, and broadcast from the local computer to the receiving computers..." Parasnis col. 5 lines 4-6; emphasis added.

> "...the broadcast begins by broadcasting the ASF streaming audio/video content of the live presentation directly to the attendees' computers...as the presenter advances through the slides of the presentation, script commands are embedded into the ASF stream to trigger display of the HTML slides..." Parasnis col. 25 lines 47-58; emphasis added.

Since Parasnis discusses an ASF stream in which "triggers" are encoded and/or embedded, Parasnis cannot teach or disclose a "data stream broadcast...including a data channel for instructing a portion of the media event" as recited in claims 1 and 27. Emphasis added.

REJECTION OF CLAIMS 4, 6, 7, 23-25, 30, 32, 33, AND 49-51 UNDER 35 U.S.C. § 103

Claims 4, 6, 7, 23-25, 30, 32, 33, and 49-51 stand rejected under 35 U.S.C. § 103 as purportedly being unpatentable over Yurkovic, Parasnis, Liu, and Hanson, and/or Dunlap. The Applicants do not believe, nor does the Office Action purport, that either Hanson or Dunlap cures the defects of Liu and/or Parasnis with respect to claims 1 and/or 27 (*e.g.,* that either Hanson or Dunlap disclose program code and/or

a data channel recited in these claims). Therefore, and since if an independent claim is nonobvious, any claim depending therefrom is nonobvious, the Applicants respectfully traverse the rejection of claims 4, 6, 7, 23-25, 30, 32, 33, and 49-51. *See* In re Fine, 837 F.2d 1071 (Fed. Cir. 1988); *also see* MPEP § 2143.03.

GENERAL CONSIDERATIONS

By the remarks provided herein, the Applicants have addressed all outstanding issues presented in the Office Action. Applicants note that the remarks presented herein have been made merely to clarify the claimed invention from elements purported by the Office Action to be taught by the cited references. Such remarks should not be construed as acquiescence, on the Applicants' part, as to the purported teachings or prior art status of the cited references, nor as to the characterization of the cited references advanced in the Office Action. Accordingly, Applicants reserve the right to challenge the purported teachings and prior art status of the cited references at an appropriate time.

CONCLUSION

For the reasons discussed above, Applicants submit that the claims are in proper condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner notes any further matters that may be resolved by a telephone interview, the Examiner is encouraged to contact Kory Christensen by telephone at (801) 578-6993.

Respectfully submitted,

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